

United States District Court

JUL - 8 2013

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Raul Arnoldo Munoz

A206 141 380

YOB: 1960

Principal

United States

Case Number:

M-13-1208-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 6, 2013 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Aurelio Galvan-Zapata, citizen and national of the United Mexican States, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Garceno, Texas to the point of arrest in Garceno, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 6, 2013 at approximately 3:30 p.m., Border Patrol Agent (BPA) J. Gonzalez was conducting patrol duties approximately three miles north of Highway 83 on FM 649. FM 649 is a commonly used egress route for smugglers to transport human or drug cargo north into the United States. As BPA Gonzalez was driving south, he noticed a blue in color GMC pickup truck travelling in a northerly direction. The vehicle was occupied by the driver and two additional passengers. BPA Gonzalez had seen the same vehicle earlier driving south occupied by the driver only. BPA Gonzalez recalled the vehicle was documented in a previous incident where it was suspected to be involved in alien smuggling.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved:

Robert Williams L AUSA
7/8/2013

Signature of Complainant
Ricardo Ibanez Jr. Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 8, 2013
Date

9:17 am

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officerat McAllen, Texas
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-13-1208-M

RE: Raul Arnoldo Munoz

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CONTINUATION:

Based on BPA Gonzalez's experience and observations, he turned his marked service vehicle around for a closer inspection. As BPA Gonzalez attempted to catch up to the vehicle around a curve in the road, the vehicle had already pulled over to the shoulder and the two passengers were fleeing into a nearby brushy area. The driver then continued north for several yards so BPA Gonzalez then activated his emergency lights in an attempt to conduct a vehicle stop. The driver then made an abrupt stop and BPA Gonzalez approached the vehicle. The driver, later identified as Raul Arnoldo MUNOZ, quickly exited the vehicle and BPA Gonzalez identified himself as a Border Patrol Agent.

Due to officer safety, BPA Gonzalez ordered MUNOZ to stop, face the vehicle and place his hands on the tool box. BPA Gonzalez then detained MUNOZ for questioning and proceeded to walk back to his marked service unit. As they walked together, MUNOZ freely stated, "Sir, I had people in my truck and I picked them up at the El Tigre Convenience Store. I was taking them to work on a fence on my ranch, and I have one under my tool box." BPA Gonzalez then looked in the bed of the truck and noticed one subject lying under the tool box. A search of the immediate area for the two subjects that fled was unsuccessful. MUNOZ claimed to be a United States Citizen and the subject under the tool box claimed to be illegally in the United States. Both subjects were then taken into custody and transported to the Rio Grande City, Texas Border Patrol Station for processing and questioning. A criminal history check was conducted on MUNOZ and records checks revealed he had several drug related convictions.

PRINCIPAL STATEMENT:

Raul Arnoldo Munoz was read his Miranda Rights by BPA Hartley. MUNOZ stated he did not wish to give a statement without the presence of an attorney. No further questions were asked.

MATERIAL WITNESS STATEMENT:

Aurelio Galvan-ZAPATA was read his Miranda Rights by BPA Hartley. ZAPATA stated he understood his rights and was willing to give a sworn statement.

ZAPATA stated he illegally crossed into the United States on July 6, 2013. ZAPATA stated he was told by the foot guide to run to the road and a truck was going to pick them up. ZAPATA stated they walked to a road and hid in some brush and a truck arrived to pick them up. ZAPATA stated the driver honked and lowered his window and signaled for them to get in. ZAPATA stated he and two other subjects boarded the blue truck. ZAPATA stated he got in the bed of the truck and hid underneath a tool box. ZAPATA then stated they drove for thirty minutes and the truck stopped and the two other subjects fled. ZAPATA identified Raul Arnoldo Munoz through a DHS Photo Lineup as the driver of the truck.